



ITEM NO. 5

STAFF REPORT

DATE: MAY 17, 2011
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD FOSTER, CITY MANAGER
PREPARED BY: AMER JAKHER, PUBLIC WORKS & UTILITIES SERVICES
DIRECTOR AS
SUBJECT: PUBLIC HEARING FOR LLMD 2 FISCAL YEAR 2011/2012

RECOMMENDED ACTION

It is recommended that the City Council approve and adopt the following resolutions to initiate proceeding for the annual levy of assessments for the Landscape Lighting and Maintenance District 2 Fiscal Year 2011/2012: those resolutions being 1) resolution initiating proceedings; 2) resolution approving the preliminary engineer's report; and 3) resolution of intention setting the public hearing date regarding this matter for June 21, 2011.

GOAL STATEMENT

The proposed action will support the City's goal to continue to maintain its landscaped areas within the community.

BACKGROUND

In compliance with the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code* of California, the City Council formed a Landscape and Lighting Maintenance Assessment District. Currently, there are two Landscape Lighting and Maintenance Districts (LLMD) within the City of Colton. Each District provides the services of maintaining lighting and landscaping for applicable facilities within its boundaries.

Within the LLMD District 2 there are two zones; Exhibit A depicts the locations of these zones. The levy for this district is determined by the benefit units each property type (residential, industrial or commercial) is assigned; a single family residence is used as the basic unit of assessment and is assessed a Equivalent Benefit Unit (EBU) of 1.00. In addition to the EBU, the other determining factor in establishing the assessment rate is the acreage of each parcel. The costs associated with maintaining the improvements within each zone are distributed to those parcels within each zone of the District in proportion to the benefit received by those parcels. The improvements within the District include: turf, ground cover, street trees, irrigation systems,

perimeter landscaping, slopes, open space, lighting systems and all necessary appurtenances. Only parcels that directly benefit from the improvements are assessed.

ISSUES/ANALYSIS

On April 1, 2003, the City Council approved an amendment to the Colton Municipal Code increasing the powers and duties of the Community Facilities District Commission (CFD) to include review of the City's LLMDs. As the CFD Commission exists today it is not comprised of enough members to obtain a quorum. This being the case, staff was unable to present the preliminary budget and engineer's report correspondent to LLMD 2 for their review. Therefore, the City Council is fulfilling the "role" of the CFD review through this action.

The Preliminary Engineer's Report for FY 2011/2012 was prepared by Willdan Financial Services and is available at the City Clerk's Office. The Preliminary Engineer's Report identifies that parcels in all zones within this District can be assessed an annual inflator of three percent. Therefore, the levy for parcels in Zone 1 and Zone 2 can be increased up to three percent in the upcoming fiscal year according to the Preliminary Engineer's Report for Fiscal Year 2011/2012. The increase will accommodate the rising fuel, utility and maintenance expenses. The proposed levy for Zone 1 for fiscal year 2011/2012 is \$159.81, an increase of \$4.66. The proposed levy for Zone 2 for fiscal year 2011/2012 is \$446.49, an increase of \$13.00.

If authorized, the resolution attached to this report will be advertised in the local newspaper to inform the community that a public hearing will be held on June 21, 2011, at 6 p.m., for the LLMD 2 Fiscal Year 2011/2012 Engineer's Report.

FISCAL IMPACTS

The Preliminary Engineer's Report is on file in the Office of the City Clerk as prescribed by law and identifies the LLMD 2 operating budget for 2011/2012 to be \$116,638. This will not have an impact to the general fund as LLMD 2 revenue for FY 2011/2012 is estimated at \$123,454.

ALTERNATIVES

1. Provide alternative direction to staff.

ATTACHMENTS

Attachments:
Exhibit 'A' – LLMD 2 Map
Resolutions

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RESOLUTION NO. R-43-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA
INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR THE
COLTON LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 2
FOR FISCAL YEAR 2011/2012.**

WHEREAS, the City of Colton is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California ("City");

WHEREAS, the City Council of the City of Colton, California has, by previous Resolutions, formed the District known and designated as the Colton Landscape and Lighting Maintenance Assessment District No. 2 (hereafter referred to as the "District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereafter referred to as the "Act"), that provides for levy and collection of assessments by the County of San Bernardino for the City of Colton to pay the maintenance and services of street lighting, landscaping, and all appurtenant facilities and operations related thereto;

WHEREAS, the City Council has retained Willdan Financial Services for the purpose of assisting with the annual levy of the Districts, and to prepare and file a report with the Deputy City Clerk in accordance with the Act.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DO HEREBY
RESOLVE AS FOLLOWS:**

1. The City Council hereby orders Willdan Financial Services to prepare the Engineer's Report concerning the levy of assessments for the District in accordance with Chapter 3, Section 22622 of the Act.
2. The description of the District boundary and the Zones therein are outlined in the Engineer's Report and by reference is made part of this Resolution. The District consists of two (2) Benefit Zones. The District is designated as "Colton Landscape and Lighting Maintenance Assessment District No. 2."
3. The improvements within the District include but are not limited to: turf, ground cover, shrubs, trees, irrigation systems, ornamental lighting, entry monuments, drainage systems, and associated appurtenances. The Engineer's Report describes all new improvements or substantial changes in existing improvements.
4. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of said City; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of said City, in the minutes of the meeting at which Resolution is passed and adopted.

1 **PASSED, APPROVED AND ADOPTED THIS 17th DAY OF MAY 2011.**

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4 David R. Zamora
Mayor

5 **ATTEST:**

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7 EILEEN C. GOMEZ
City Clerk

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RESOLUTION NO. R-94-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, DECLARING ITS INTENTION FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE COLTON LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR FISCAL YEAR 2011/2012.

WHEREAS, the City of Colton is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California ("City");

WHEREAS, the City Council has by previous Resolutions formed the Colton Landscape and Lighting Maintenance Assessment District No. 2 (hereafter referred to as the "District"), and initiated proceedings for Fiscal Year 2011/2012, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500) (hereafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Bernardino for the City of Colton to pay the maintenance and services of all improvements and facilities related thereto;

WHEREAS, all assessments for the District were previously approved in accordance with the requirements of the California State Constitution, Article XIID; and,

WHEREAS, the City Council has retained Willdan Financial Services for the purpose of assisting with the Annual Levy of the District, and to prepare and file an Engineer's Report with the City Clerk in accordance with the Act; and,

WHEREAS, the Engineer's Report for Fiscal Year 2011/2012 has been filed with the City Clerk, presented to the City Council and approved by the City Council, as required by Chapter 3 Sections 22623 and 22624 of said act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT, AS FOLLOWS:

1. The above recitals are true and correct.

2. Intention: The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for Fiscal Year 2011/2012.

3. Boundaries and Designation: The description of the District boundary and the Zones therein are outlined in the Engineer's Report and by reference made part of this Resolution. The District consists of two (2) Benefit Zones. The District is designated as "Colton Landscape and Lighting Maintenance Assessment District No. 2."

1 4. Description of Improvements: The improvements within the District include but are not
2 limited to: turf, ground cover, shrubs, trees, irrigation systems, ornamental lighting, entry
3 monuments, drainage systems, and associated appurtenances. The Engineer's Report
4 describes all new improvements or substantial changes in existing improvements.

5 5. Proposed Assessment Amounts: The proposed district assessments are within the limits
6 previously approved by the property owners. The assessments outlined in the Engineer's
7 Report have not been increased over the maximum rates approved by the property owners,
8 and do not require additional property owner approval in accordance with the requirements of
9 the California Constitution, Articles XIII C and XIII D.

10 6. Public Hearing(s): The City Council hereby declares its intention to conduct a Public
11 Hearing concerning the levy of assessments for the District in accordance with *Chapter 3,*
12 *Section 22626* of the Act.

13 7. Notice: The City shall give notice of the time and place of the Public Hearing to all
14 property owners within the District by causing the publishing of this Resolution once in the
15 local newspaper not less than ten (10) days before the date of the public hearing, and by
16 posting a copy of this resolution on the official bulletin board customarily used by the Council
17 for the posting of notices.

18 8. Notice Of Public Hearing: Notice is hereby given that a Public Hearing on these matters
19 will be held by the City Council on June 21, 2011 at 6:00 pm, or as soon thereafter as
20 feasible in the Council Chambers at City Hall, 650 North La Cadena Drive, Colton, CA.

21 9. The City Clerk is hereby authorized and directed to give notice of such hearing as provided
22 by law.

23 10. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter
24 the same in the book of original Resolutions of said City; and shall make a minute of passage
25 and adoption thereof in the records of the proceedings of the City Council of said City, in the
26 minutes of the meeting at which Resolution is passed and adopted.

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PASSED, APPROVED AND ADOPTED THIS 17th DAY OF MAY 2011.

DAVID R. ZAMORA
Mayor

ATTEST:

EILEEN C. GOMEZ
City Clerk

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RESOLUTION NO. R-95-11

A RESOLUTION OF THE CITY COUNCIL OF COLTON, CALIFORNIA FOR PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT FOR THE COLTON LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR FISCAL YEAR 2011/2012.

WHEREAS, the City of Colton is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California ("City");

WHEREAS, the City Council of the City of Colton, California has, by previous Resolutions, ordered the preparation of the Fiscal Year 2011/2012 Engineer's Report for the District known and designated as the Colton Landscape and Lighting Maintenance Assessment District No. 2 (hereafter referred to as the "District") pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"); and,

WHEREAS, there has now been presented to this City Council the Engineer's Report as required by *Chapter 1, Article 4, Section 22566* of said Act; and,

WHEREAS, this City Council has examined and reviewed the Engineer's Report as presented, and is preliminarily satisfied with the District, each and all of the budget items and documents as set forth therein, and is satisfied that the assessments, have been spread in accordance with the special benefits received from the improvements, operation, maintenance and services to be performed within each Benefit Zone of the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, AS FOLLOWS:

1. The above recitals are true and correct.
2. That the Engineer's Report as presented, consists of the following:
 - A Description of Improvements (Plans & Specifications).
 - The Annual Budget (Costs and Expenses of Services, Operations and Maintenance)
 - A Description of the Method of Apportionment resulting in an Assessment Rate per Levy Unit for each said District for Fiscal Year 2011/2012.
 - District Assessment Diagrams showing the exterior boundaries of the Assessment District and/or the Benefit Zones therein.
 - The 2011/2012 Assessment Collection Roll with the proposed assessment apportioned to each lot or parcel.
3. The Engineer's Report is hereby approved on a preliminary basis pending a public hearing, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

1 4. That the City Clerk shall certify to the passage and adoption of this Resolution and the
2 minutes of this meeting shall so reflect the presentation of the Engineer's Report.

3 5. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter
4 the same in the book of original Resolutions of said City; and shall make a minute of passage
5 and adoption thereof in the records of the proceedings of the City Council of said City, in the
6 minutes of the meeting at which Resolution is passed and adopted.

7 **PASSED, APPROVED AND ADOPTED THIS 17th DAY OF MAY 2011.**

8
9 DAVID R. ZAMORA
10 Mayor

11 ATTEST:

12 EILEEN C. GOMEZ
13 City Clerk
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